



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/563,124 Confirmation No. 1181
Applicant : Koji ABE et al.
Filed : January 3, 2006
TC/A.U. : 1795
Examiner : Kwang S. Han
Dkt. No. : MAM-071
Cust. No. : 20374

I hereby certify that this paper is being
facsimile transmitted on June 16, 2010, to
the United States Patent and Trademark Office
to facsimile number (571)273-8300.

A handwritten signature in black ink, appearing to read "Ronald J. Kubovcik", written over a horizontal line.

Ronald J. Kubovcik

REQUEST FOR CONSIDERATION OF REFERENCE CITED IN IDS

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 16, 2010

Sir:

Applicants request that the Examiner consider the document, CN
1277468 A, cited in the Information Disclosure Statement (IDS)
filed June 25, 2008.

In the IDS filed June 25, 2008, applicants explained that CN
1277468 A, i.e., document FA, had been cited in an Office Action in

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a corresponding Chinese patent application. Applicants further explained that the document is not in the English language, and that the concise explanation of the relevance of the document required under 37 C.F.R. §1.98 is satisfied by the submission of an English translation of the Chinese office action.

However, on the copy of PTO/SB/08 filed with the IDS on June 25, 2008, and attached to the Office Action dated September 4, 2008, document FA is lined through indicating that the document has not been considered. On page 2 of the Office Action, the Examiner explains that the IDS filed June 25, 2008, fails to comply with 37 C.F.R. § 1.98(a)(3) because it does not include a concise explanation of the relevance of the non-English language document. The Examiner states that "reference CN 1277468 did not include any English translation stating the relevance of the document." (Office Action, page 2, under "Information Disclosure Statement").

Applicants, however, did include an English language translation of the Chinese Office Action with CN 1277468 A as evidenced by the attached copy of the "RECEIPT OF FILING OF PAPERS" submitted with the IDS and showing the OIPE date stamp of "JUN 25 2008".

MPEP 609.04(a) provides that "(w)here the information listed is not in the English language, but was cited in a search report or

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other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, or merely an "X", "Y", or "A" indication on a search report. The requirement for a concise explanation of non-English language information would not be satisfied by a statement that a reference was cited in the prosecution of a United States application which is not relied on under 35 U.S.C. 120."

Please note that the Office considered CN 1474476 A submitted to the Office in the IDS filed on November 17, 2008, without an English translation thereof but with an English translation of a Chinese Office Action issued in a corresponding Chinese patent application. A copy of PTO/SB/08 filed with the IDS on November 17, 2008, is attached hereto.

Form PTO/SB/08 identifying CN 1277468 A is attached to this request. The English translation of the Chinese Office Action submitted with the IDS on June 25, 2010, is also attached.

It is requested that the Office return a copy of the form to the undersigned showing that CN 1277468 A has been considered.

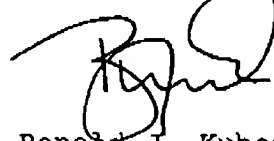
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In the event any additional fees are required, please also
charge our Deposit Account No.. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



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Attachment: PTO/SB/08
English translation of Chinese Office Action filed
with IDS on June 25, 2008
RECEIPT OF FILING OF PAPERS showing OIPE date stamp
of "JUN 25 2008"
Initialed PTO/SB/08 filed on November 17, 2008